



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,911	02/28/2000	Francis E. Bienville	1563	9225

7590 01/24/2003

Mark C Jacobs Esq
3033 El Camino Avenue
Sacramento, CA 95821

EXAMINER

GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
----------	--------------

2834

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,911

Applicant(s)

BIENVILLE, FRANCIS E.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molina in view of Cheng-Yon, Olsen and Stern.

Molina discloses a bicycle with a seat, batteries 74, 75, a dynamo 61 connected to an intermediate hub 17, a rear derailleur and front derailleur (see figure 2). Also, the batteries can be recharged (column 11, lines 28-30). Molina also teaches that hubs can be disposed in bearings (column 9, lines 12, 13). However, Molina does not disclose a fixed wheel with magnets.

On the other hand, Cheng-Yon discloses for the purpose of enhancing power dynamics in a bicycle dynamo that a fixed wheel has a plurality of magnets and the rotatable wheel also has a plurality of magnets, which upon rotation electricity can be induced by the magnets (see figure 2).

However, Molina and Cheng-Yon do not disclose the use of a charger and a protection circuit.

On the other hand, Olsen discloses for the purpose of enabling a high output power over long period of times that the bicycle uses a clutch, an overprotection circuit and switches (see figure 6) and a charger can be used in the system (column 6, lines 37, 38).

However, neither Molina nor Cheng-Yon nor Olsen disclose having a stationary bicycle attached to a generator.

On the other hand, Stern discloses for the purpose of generating electricity by an operator on a bicycle and using such electricity to power up other devices such as radios or ventilation systems, a stationary bicycle 18 connected to a generator 36 (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a bicycle comprising a dynamo and batteries as disclosed by Molina and to use the wheels comprising magnets for the purpose of enhancing power dynamics in a bicycle dynamo as disclosed by Cheng-Yon and to use an overprotection circuit and a charger for the purpose of enabling a high output power over long period of times as disclosed by Olsen and to use a stationary bicycle for the purpose of generating electricity by an operator on a bicycle and using such electricity to power up other devices such as radios or ventilation systems as disclosed by Stern.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molina, Cheng-Yon, Olsen and Stern as applied to claim 4 above, and further in view of Yang.

The combined bicycle discloses all of the elements above. However, the combined bicycle does not disclose a front support for the bicycle.

On the other hand, Yang discloses for the purpose of producing a multipole AC induction motor in order to produce electricity that the bicycle has means for support having a pair of spaced alignment members on each side of the front wheel (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined bicycle as disclosed above and to keep the bicycle steady in one place for the purpose of producing a multipole AC induction motor in order to produce electricity as disclosed by Yang.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

Application/Control Number: 09/514,911
Art Unit: 2834

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Jcg

January 15, 2003